IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

MARCUS ANDRADE, MICHAEL :

ANDRADE, JUSTIN BLOUNT, SEAN

COTTON, MICHAEL COURTNEY : Civil Action Number:

and BRIAN HART,

: 1:13-cv-01806-WSD

Plaintiffs,

:

vs. :

:

EMPIRE PARKING SERVICES, INC., and WILLIAM H. SCHMEELK, III,

:

Defendants. :

JOINT MOTION FOR REVIEW AND APPROVAL OF SETTLEMENT AND RELEASE AGREEMENT

Plaintiffs Marcus Andrade, Michael Andrade, Justin Blount, Sean Cotton, Michael Courtney, and Brian Hart ("Plaintiffs") and Defendants Empire Parking Services, Inc. and William H. Schmeelk, III ("Defendants"), by and through the undersigned counsel, move this Court for a review and approval of their Settlement Agreement and General Release. As grounds for this Motion, the Parties show the Court as follows:

1.

Plaintiffs filed their Complaint [Dkt. 1] on May 29, 2013, alleging violations of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §201, et seq.

2.

On February 28, 2014, the parties participated in a mediation session with Mr. Hunter R. Hughes, III, an attorney knowledgeable with the FLSA, serving as mediator.

3.

Based upon the understandings and assessments of each party, the Parties, acting at arms-length and in good faith, negotiated and entered into a confidential Settlement Agreement and Release of Claims (hereafter "the Agreement").

4.

Because the Parties have agreed to keep the terms of the Agreement confidential, the Parties will submit a copy of the Agreement directly to chambers for the Court's consideration, along with a courtesy copy of this Motion.

5.

The Parties represent that the terms set forth in the Agreement represent a reasonable compromise between the positions of the Parties.

6.

Pursuant to Lynn's Food Stores, Inc. v. United States of Am., 679 F.2d 1350, 1353 (11th Cir. 1982), judicial approval is required to give effect to Plaintiffs' release of their FLSA claims, which is material to the Agreement.

7.

Once the Court approves the Agreement and all payments have made as set forth in Paragraph 1 of the Settlement Agreement, the Parties will file a Stipulation of Dismissal of this case with prejudice.

8.

The Parties further request that the Court retain jurisdiction over this matter until all payments have been made as set forth in Paragraph 1 of the Settlement Agreement and incorporate the Settlement Agreement into its Order granting this Motion.

WHEREFORE, the Parties respectfully request that this Court review and approve their Settlement Agreement and Full and Final Release of All Claims. For the Court's convenience, a proposed Order granting this Motion is attached hereto as Attachment "A".

Respectfully submitted,

DELONG CALDWELL BRIDGERS & FITZPATRICK, LLC

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<u>s/ Charles R. Bridgers</u>Charles R. BridgersGeorgia Bar No. 080791

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CERTIFICATE OF COUNSEL

Pursuant to LR 7.1 NDGa, the undersigned counsel certifies that the within and foregoing motion was prepared using Times New Roman (14 point), one of the fonts and point selections approved by the Court in LR 5.1 C NDGa.

<u>s/ Charles R. Bridgers</u>Charles R. BridgersGeorgia Bar No. 080791Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on the date shown above, I electronically filed the within and foregoing JOINT MOTION FOR REVIEW AND APPROVAL OF SETTLEMENT AND RELEASE AGREEMENT using the CM/ECF system, which will automatically send email notification of such filing to all counsel of record.

Respectfully submitted,

<u>s/ Charles R. Bridgers</u>Charles R. BridgersGeorgia Bar No. 080791